

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:	)	
Sue FENG et al.	)	Group Art Unit: 1615
Application No.: 10/699,780	)	Examiner: Jyothsna A. VENKAT
Filed: November 4, 2003	)	
For: METHODS OF PROVIDING INTENSE	)	Confirmation No.: 5902
COLOR TO COSMETIC	)	
COMPOSITIONS USING AT LEAST ONE	)	
HETEROPOLYMER	)	
(as amended)	)	

EXHIBIT 1

Claims from Co-Pending Applications

**ISSUED CLAIMS**

**Application No. 09/618,066 - Filed July 17, 2000**

**U.S. Patent No. 6,960,339 - November 1, 2005**

**Attorney Docket No. 05725.0656-00000**

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## EXAMPLE 1

## Lip Composition

Uniclear 80	25.0%
Parleam oil	56.0%
Polyglyceryl-2 polyhydroxystearate	10.0%
Pigments (brown iron oxide + titanium oxide)	9.0%

Preparation: the Uniclear 80 was solubilized (or dissolved) with the aid of the polyglyceryl-2 polyhydroxystearate in the parleam oil, at 100° C., followed by addition of the pigments. The whole was mixed using a deflocculating turbomixer (Rayneri) and then cast in lipstick molds.

A stick of lip composition having a hardness of 425 g, measured using a TA-XT2 texture analyzer at 20° C., was obtained. The lip composition obtained was glossy and non-migrating. This was confirmed by a test with a panel of experts, by comparison with a glossy product of the prior art: Rouge Absolu from Lancôme. The lip composition of the invention was considered by all of the testers as being glossier when applied than the lip composition of the prior art, and as migrating less after being worn for 2 hours.

## EXAMPLE 2

## Anhydrous Eyeshadow

Uniclear 80	25.0%
Parleam oil	35.1%
Glyceryl oleate	31.25%
Pigments	qs 100%

This eyeshadow in stick form was prepared as in Example 1. It was glossy and non-migrating.

## EXAMPLE 3

## Lip Composition

The product differs from Example 1 by the use of Uniclear 100 instead of Uniclear 80.

## COUNTEREXAMPLE

The lip composition Example 1 was repeated, replacing the Uniclear 80 polyamide with the Versamid® 930 polyamide sold by the company Henkel, and then by the Macromelt® 6212 polyamide also sold by the company Henkel, these two polyamides being free of an end group with an alkyl or alkenyl chain comprising at least 4 carbon atoms, linked to the polyamide skeleton via an ester group.

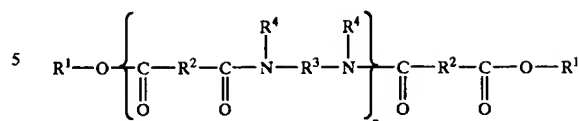
The products obtained were totally heterogeneous and in two-phase form. They did not in any way have the appearance or hardness of a stick.

What is claimed is:

1. A process for non-migrating deposit of a lipstick composition comprising including in said lipstick composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of an agent for non-migrating deposit of said lipstick composition, said agent comprising at least one structuring polymer, wherein said at least one structuring polymer is chosen from polymers of formula (I) below:

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(I)



in which:

-n is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer;

-R<sup>1</sup>, which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms;

-R<sup>2</sup>, which are identical or different, are each chosen from C<sub>4</sub> to C<sub>42</sub> hydrocarbon-based groups with the proviso that at least 50% of R<sup>2</sup> are chosen from C<sub>30</sub> to C<sub>42</sub> hydrocarbon-based groups;

-R<sup>3</sup>, which are identical or different, are each chosen from C<sub>2</sub> to C<sub>36</sub> hydrocarbon-based groups; and

-R<sup>4</sup>, which are identical or different, are each chosen from hydrogen, and C<sub>1</sub> to C<sub>10</sub> alkyl groups, with the proviso that at least 50% of all R<sup>4</sup> are chosen from hydrogen; and

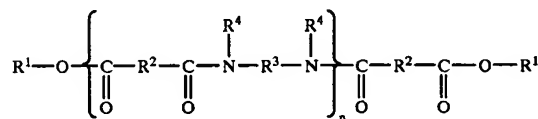
wherein said lipstick composition further comprises at least one dyestuff chosen from pigments and nacles.

2. A process according to claim 1, wherein said lipstick composition has a hardness ranging from 20 g to 2000 g.

3. A process according to claim 2, wherein said hardness ranges from 20 g to 900 g.

4. A process according to claim 3, wherein said hardness ranges from 20 g to 600 g.

5. A process for non-migrating deposit of a lipstick composition comprising at least one continuous liquid fatty phase comprising structuring said fatty phase with a sufficient amount of at least one structuring polymer, wherein said at least one structuring polymer is chosen from polymers of formula (I) below:



in which:

-n is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer;

-R<sup>1</sup>, which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms;

-R<sup>2</sup>, which are identical or different, are each chosen from C<sub>4</sub> to C<sub>42</sub> hydrocarbon-based groups with the proviso that at least 50% of R<sup>2</sup> chosen from C<sub>30</sub> to C<sub>42</sub> hydrocarbon-based groups;

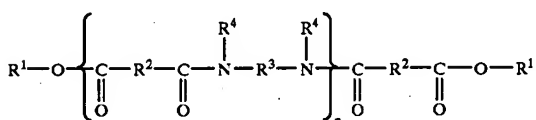
-R<sup>3</sup>, which are identical or different, are each chosen from C<sub>2</sub> to C<sub>36</sub> hydrocarbon-based groups; and

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$-R^4$ , which are identical or different, are each chosen from hydrogen, and  $C_1$  to  $C_{10}$  alkyl groups, with the proviso that at least 50% of all  $R^4$  are chosen from hydrogen; and

wherein said lipstick composition further comprises at least one dyestuff chosen from pigments and nacres.

6. A process for non-migrating deposit of a foundation composition comprising including in said foundation composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of an agent for non-migrating deposit of said foundation composition, said agent comprising at least one structuring polymer, wherein said at least one structuring polymer is chosen from polymers of formula (I) below:



in which:

$-n$  is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said ester groups and all said amide groups comprised in said at least one structuring polymer;

$-R^1$ , which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms;

$-R^2$ , which are identical or different, are each chosen from  $C_4$  to  $C_{42}$  hydrocarbon-based groups with the proviso that at least 50% of  $R^2$  are chosen from  $C_{30}$  to  $C_{42}$  hydrocarbon-based groups;

$-R^3$ , which are identical or different, are each chosen from  $C_2$  to  $C_{36}$  hydrocarbon-based groups; and

$-R^4$ , which are identical or different, are each chosen from hydrogen, and  $C_1$  to  $C_{10}$  alkyl groups, with the proviso that at least 50% of all  $R^4$  are chosen from hydrogen; and

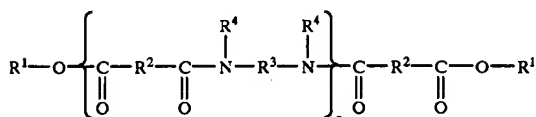
wherein said foundation composition further comprises at least one dyestuff chosen from pigments and nacres.

7. A process according to claim 6, wherein said foundation composition has a hardness ranging from 20 g to 2000 g.

8. A process according to claim 7, wherein said hardness ranges from 20 g to 900 g.

9. A process according to claim 8, wherein said hardness ranges from 20 g to 600 g.

10. A process for non-migrating deposit of a foundation composition comprising at least one continuous liquid fatty phase comprising structuring said fatty phase with a sufficient amount of at least one structuring polymer, wherein said at least one structuring polymer is chosen from polymers of formula (I) below;



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in which:

$-n$  is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer;

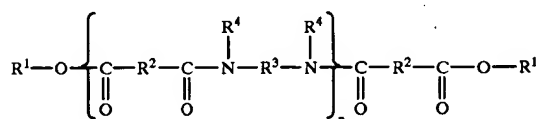
$-R^1$ , which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms;

$-R^2$ , which are identical or different, are each chosen from  $C_4$  to  $C_{42}$  hydrocarbon-based groups; and

$-R^4$ , which are identical or different, are each chosen from hydrogen and  $C_1$  to  $C_{10}$  alkyl groups, with the proviso that at least 50% of all  $R^4$  are chosen from hydrogen; and

wherein said foundation composition further comprises at least one dyestuff chosen from pigments and nacres.

11. A process for non-migrating deposition of a composition for making up at least one keratinous material comprising at least one continuous liquid fatty phase comprising structuring said fatty phase with a sufficient amount of at least one structuring polymer, wherein said at least one structuring polymer is chosen from polymers of formula (I) below:



in which:

$-n$  is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer;

$R^1$ , which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms;

$R^2$ , which are identical or different, are each chosen from  $C_4$  to  $C_{42}$  hydrocarbon-based groups with the proviso that at least 50% of  $R^2$  are chosen from  $C_{30}$  to  $C_{42}$  hydrocarbon-based groups;

$R^3$ , which are identical or different, are each chosen from  $C_2$  to  $C_{36}$  hydrocarbon-based groups; and

$R^4$ , which are identical or different, are each chosen from hydrogen, and  $C_1$  to  $C_{10}$  alkyl groups, with the proviso that at least 50% of all  $R^4$  are chosen from hydrogen; and

wherein said composition for making up at least one keratinous material further comprises at least one dyestuff chosen from pigments and nacres.

12. A process according to claim 11, wherein said at least one structuring polymer is chosen from ethylenediamine/stearyl dimer tallate copolymer.